

State of Nevada

Division of Environmental Protection

General Permit  
for  
Stormwater Discharges Associated with Industrial Activity  
from  
Metals Mining Activities

In compliance with the provisions of the federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq: the "Act") and Chapter 445A of the Nevada Revised Statutes (NRS), eligible dischargers who have submitted a Notice of Intent and filing fee in accordance with NAC 445A.268, and Stormwater Pollution Prevention Plan as defined herein, are authorized to discharge Stormwater Associated with Industrial Activity to:

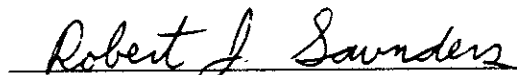
Waters of the United States

in accordance with the conditions set forth in Parts I and II hereof.

This permit shall become effective on September 13, 2000.

This permit and the authorization to discharge shall expire at midnight September 13, 2005.

Signed this 13th day of September, 2000.

  
Robert J. Saunders  
Bureau of Water Pollution Control

## **PART I. SPECIFIC CONDITIONS**

### **A. PERMIT COVERAGE**

#### **1. Objective**

The objective of this permit is to control and reduce pollution of Waters of the United States from Stormwater Discharges Associated with Industrial Activity through the use of Best Management Practices (BMPs). *Stormwater Discharge Associated with Industrial Activity* is defined at Title 40 of the Code of Federal Regulations Part 122 section 26 paragraph (b)(14) (40 CFR §122.26(b)(14)). *Waters of the U. S.* is defined at 40 CFR §122.2. *Best Management Practice* is defined at 40 CFR §122.2 and in addition the term shall include erosion and sediment controls, and stormwater control structures.

#### **2. Eligibility, Request for Inclusion, Continuation of Coverage**

- a. Facilities with Stormwater Discharges Associated with Industrial Activity from metals mining activities to Waters of the U. S. are eligible for this permit.
- b. Eligible dischargers must request inclusion in this permit by submitting a *Notice of Intent* and filing fee in accordance with NAC 445A.268, and a Stormwater Pollution Prevention Plan and Stormwater Monitoring Plan as defined herein, to the Nevada Division of Environmental Protection (Division) no later than 2 days prior to start up of mining operations.
- c. All permit holders under expired general permit GNV0022225 that have submitted a new *Notice of Intent* are included in this permit. The filing fee is not required for this submittal.

#### **3. Authorization**

- a. Eligible dischargers shall be included in this permit effective upon the authorization date.
- b. The authorization date shall be:
  - i. the date the Notice of Intent, filing fee, Stormwater Pollution Prevention Plan, and Stormwater Monitoring Plan are received by the Division, or
  - ii. the effective date of this permit for all permit holders of expired general permit GNV0022225 that have submitted a new *Notice of Intent* in accordance with the terms of that permit.
- c. An authorization letter will be sent to the general permit holder stating the authorization date. Special conditions may be included.
- d. During the period beginning on the authorization date and lasting until permit coverage is terminated, the permittee is authorized to discharge Stormwater Associated with Industrial Activity to Waters of the U. S. in accordance with the Stormwater Pollution Prevention Plan and the conditions of this permit.
- e. The Division may require the holder of a general permit to apply for and obtain an individual permit in accordance with NAC 445A.269.

f. **Limitation on Coverage**

This permit does not authorize any discharges subject to effluent limitation guidelines at 40 CFR Part 440.

- g. Permittees authorized under this permit are also authorized for miscellaneous non-stormwater discharges where those discharges are not significant contributors of pollutants and are not subject to effluent limitations under 40 CFR Part 440. Such discharges may include discharges associated with the application of dust control water, potable water discharges, irrigation, fire hydrant flushing, foundation drains, compressor condensate, and building and pavement rinse water. BMPS shall be implemented if needed to minimize impacts of these discharges. Non-stormwater discharges that are significant contributors of pollutants shall be eliminated or authorized under a separate permit. Although fire fighting drainage may contain significant pollutant concentrations, the frequency of occurrence is low and the discharge is hereby authorized out of necessity.

4. **Notice of Termination**

To terminate permit coverage, a Notice of Termination shall be submitted to the Division. The Notice shall identify the permit holder, mine name, mine location, permit number, permit identification number, and the reason for submittal.

5. **Address for Submittal**

All Notices of Intent, Notices of Termination, filing fees, reports, plans and any other information submitted pursuant to this permit shall be submitted to the Division at the following address.

Stormwater Coordinator  
Bureau of Water Pollution Control  
Nevada Division of Environmental Protection  
333 West Nye Lane  
Carson City NV 89706-0851

B. **STORMWATER QUALITY PROGRAM REQUIREMENTS**

1. **Stormwater Pollution Prevention Plan**

The plan shall identify pollutant sources and minimize the impacts of Stormwater Discharges Associated with Industrial Activity through the use of BMPs. The plan shall be updated as needed to accommodate changes in operations or if reasonable improvements can be made. Insufficient BMPs shall be revised. The plan may be subject to review and approval by the Division either upon receipt or any time thereafter. The

plan must apply to all Stormwater Discharges Associated with Industrial Activity and shall consist of the following minimum elements.

a. FACILITY INFORMATION

i. *Material Inventory*

List materials exposed to stormwater and the approximate quantities of those materials.

ii. *Spills and Leaks*

List, describe, and quantify all spills and leaks of Clean Water Act or CERCLA reportable quantities that have occurred from three years prior to the plan date to present. Describe each clean up action taken.

iii. *Site Map*

Show all mining areas, buildings, facilities, disposal and storage areas, discharge points and associated drainage areas, roads, stormwater control structures, ground cover, and spill and leak locations.

iv. *Non-Stormwater Discharges*

List all miscellaneous non-stormwater discharges authorized pursuant to Part I.A.3.g of this permit, and any other non-stormwater discharges that may occur. List BMPs used to minimize impacts of these discharges.

v. *Responsible Individuals*

Identify those individuals or positions within an organization which are responsible for implementation of the plan.

b. BEST MANAGEMENT PRACTICES

Describe existing and planned BMPs and implementation schedules. Minimum BMPs to be considered and included as appropriate in the stormwater pollution prevention plan include: good housekeeping, employee training (at least one session per year), erosion and sediment controls, preventive maintenance, visual inspections, material handling and storage practices that minimize exposure of pollutants to stormwater, spill prevention and response, and stormwater control structures. Using the information generated from Part I.B.5 of this permit (Stormwater Monitoring Plan), control measures shall be implemented so that water quality standards are not violated.

c. INSPECTIONS

Implementation and functioning of the plan must be verified by inspections performed by the permittee. All facility areas contributing to a Stormwater Discharge Associated with Industrial Activity to Waters of the U.S. shall be inspected. Describe inspection procedures and frequency. Active mines shall be inspected a minimum of once per year and after significant rainfall events. Inactive mines shall be inspected a minimum of once per year, or once every three years if annual inspections are impractical. Any BMPs found to be insufficient shall be revised as necessary and appropriate.

2. **Construction Site Stormwater Discharges Subject to NPDES**

Construction site stormwater discharges subject to NPDES permit requirements shall be controlled in accordance with a Stormwater Pollution Prevention Plan. The plan can

either be the plan described in Part I.B.1 or a separate plan submitted specifically for the project. In either case, the plan shall include temporary BMPs to minimize sediment transport during construction. Minimum elements include: construction schedule, acreage to be disturbed, site plan drawing with discharge points and BMPs shown; BMPs for erosion and sediment control, BMP maintenance/repair, inspection frequency and procedures, good housekeeping, spill response, list of responsible personnel, and a description of the storm drain facilities that will be built as part of the project, and the post construction BMPs associated with the operation of those storm drains. Project specific plans shall be submitted no later than two days prior to the project start date.

3. **Annual Reports**

Except as provided in Part I.B.4, Annual Reports shall be submitted to the Division each year on or before the anniversary of the authorization date. The reports shall document inspection findings; update spill, leak, and unauthorized discharge information including clean up and preventive actions taken; evaluate the effectiveness of the Stormwater Pollution Prevention Plan in reducing pollutant loads; and provide a schedule for modifying the BMPs and revising the Stormwater Pollution Prevention Plan if further reductions of pollutant loads can be reasonably achieved. Any plan revisions shall be submitted with the annual reports. The annual reports shall include any monitoring data collected, including data collected in accordance with Part I.B.5 of this permit, and a summary and interpretation of that data. Each report shall include a certification that the facility is in compliance with the Stormwater Pollution Prevention Plan and the permit, and identifying any incidents of non-compliance.

4. **Triennial Reports**

Inspections, evaluations, reports, and plan revisions may be performed every three years for inactive mines. Under this option, the report must be prepared under the supervision of and stamped by a professional engineer registered in the State of Nevada. All other requirements remain the same.

5. **Stormwater Monitoring Plan**

- a. Permit holders under previous permit GNV0022225 shall comply with the requirements of (i), (ii), or (iii) below.
  - i. Within six months of the effective date of this permit, the permittee shall develop and implement a monitoring plan for sampling stormwater discharges from waste rock dumps and overburden piles to Waters of The U.S. The monitoring plan shall also be submitted to the Division within six months of the effective date of this permit. The Division may notify the permittee that the monitoring plan is insufficient to evaluate compliance with the requirements and objectives of this permit. In such a circumstance, the Division may require modifications to the monitoring

- plan which must be implemented within a time frame determined by the Division; or
  - ii. Within six months of the effective date of this permit, the permittee shall submit information to the Division indicating that the expected discharges from waste rock dumps and overburden piles would not have the reasonable potential to cause or contribute to exceedences of applicable water quality standards. Such information may include data on the nature of the rock or other material from which the runoff originates, runoff data from similar areas, BMPs to be implemented by the permittee, and other relevant information. The Division may notify the permittee that the submitted information is insufficient to comply with this requirement. In such a circumstance, the Division may require the submission of additional information, or the development and implementation of a monitoring plan, within a time frame determined by the Division; or
  - iii. a combination of (i) and (ii) above for multiple discharge points.
- b. New facilities which commence discharges after the effective date of this permit shall submit with the Notice of Intent and Stormwater Pollution Prevention Plan either of the following:
  - i. A monitoring plan in accordance with Part I.B.5.a.i of this permit; or
  - ii. information in accordance with Part I.B.5.a.ii of this permit; or
  - iii. a combination of (i) and (ii) above for multiple discharge points.

## **PART II. STANDARD CONDITIONS**

### **A. OPERATING REQUIREMENTS**

#### **1. Implementation of BMPs**

The permittee shall implement all BMPs used to comply with this permit.

#### **2. Removed Substances**

Solids or other pollutants removed in the course of treatment or control of stormwater shall be disposed of in a manner such as to prevent pollution from such materials from entering any surface water.

#### **3. Water Quality Standards**

There shall be no discharge of substances that cause or contribute to a violation of water quality standards of the State of Nevada.

#### **4. Sampling and Analysis**

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. Analyses shall be performed by a State of Nevada

certified laboratory. Results from this lab must be provided to the Division as part of the Annual Reports.



5. **Test Procedures**

Test procedures for the analysis of pollutants shall conform to regulations (40 CFR, Part 136) published pursuant to Section 304(h) of the Act, under which such procedures may be required unless other procedures are approved by the Division.

6. **Recording the Results**

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. the exact place, date, and time of sampling
- b. the dates the analyses were performed
- c. the person(s) who performed the analyses
- d. the analytical techniques or methods used, and
- e. the results of all required analyses.

7. **Adverse Impact**

The permittee shall take all reasonable steps to minimize any adverse impact to receiving waters from any unauthorized discharge, including monitoring as necessary to determine the nature and impact of the unauthorized discharge.

8. **Noncompliance, Unauthorized Discharge, Bypass, and Upset**

- a. Any diversion, bypass, spill, overflow, upset or discharge of treated or untreated stormwater from stormwater treatment or conveyance facilities under the control of the permittee is prohibited except as authorized by this permit. In the event the permittee has knowledge that a diversion, bypass, spill, overflow, upset or discharge not authorized by this permit is imminent, the permittee shall notify the Division immediately.
- b. The permittee shall notify the Division within twenty four hours of any diversion, bypass, spill, overflow, upset or discharge of treated or untreated stormwater other than that which is authorized by the permit. A written report shall be submitted to the Division within five business days detailing the entire incident including:
  - i. time and date of discharge
  - ii. exact location and estimated amount of discharge
  - iii. flow path and any bodies of water which the discharge reached
  - iv. the specific cause of the discharge, and
  - v. the preventive and/or corrective actions taken.
- c. The following shall be included as information which must be reported within twenty four hours:
  - i. any unanticipated bypass which exceeds any effluent limitation in the permit
  - ii. any upset which exceeds any effluent limitation in the permit

- iii. violation of a limitation for any toxic pollutant or any pollutant identified as the method to control a toxic pollutant.
- d. A "bypass" means the intentional diversion of stormwater from any portion of a treatment facility.
  - i. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts II.A.8.a and b.
  - ii. If the permittee knows in advance of the need for a bypass, the permittee shall submit prior notice, if possible at least ten days before the date of bypass.
- e. Bypass is prohibited, and the Division may take enforcement action against a permittee for bypass, unless:
  - i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage
  - ii. There were no feasible alternatives to the bypass. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance, and
  - iii. The permittee submitted notices as required under Part II.A.8.d.
- f. The Division may approve an anticipated bypass, after considering its adverse effects, if the Division determines that it will meet the three conditions listed in Part II.A.8.e.
- g. An "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- h. An upset constitutes an affirmative defense to an action brought for non-compliance with such technology based permit effluent limitations if the requirements of Part II.A.8.i are met.
- i. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - i. An upset occurred and that the permittee can identify the cause(s) of the upset,
  - ii. The permitted facility was at the time being properly operated,
  - iii. The permittee submitted notice of the upset as required under Part II.A.8.c, and

- iv. The permittee complied with any remedial measures required under Part II.A.7.
- j. In selecting the appropriate enforcement option, the Division shall consider whether or not the noncompliance was the result of an upset. The burden of proof is on the permittee to establish that an upset occurred.

**B. ADMINISTRATIVE REQUIREMENTS**

**1. Signature Requirements**

- a. *Notices of Intent* All notices of intent shall be signed as follows:
  - i. *For a corporation.* By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (1) A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or (2) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - ii. *For a partnership or sole proprietorship.* By a general partner or the proprietor, respectively; or
  - iii. *For a municipality, State, federal, or other public agency.* By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (1) The chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
- b. All reports required by permits, and other information requested by the Administrator shall be signed by a person described in paragraph a. of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - i. The authorization is made in writing by a person described in paragraph a. of this section;
  - ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (A duly authorized representative may thus be either a named individual or an individual occupying a named position) and,
  - iii. The written authorization is submitted to the Division.

- c. *Changes to Authorization.* If an authorization under paragraph b. of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph b. of this section must be submitted to the Division prior to or together with any reports, information, or applications to be signed by an authorized representative.
- d. *Certification.* Any person signing a document under paragraph a. or b. of this section shall make the following certification;

*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

2. **Records Retention**

All records and information resulting from activities performed pursuant to this permit, including: Notice of Intent forms, Stormwater Pollution Prevention Plans, Annual Reports, inspection reports, plan revisions, analytical results, and reading, calibration, and maintenance records for continuous monitoring equipment, shall be retained for a minimum of three years. Records shall be retained for longer than three years if required by the Division.

3. **Availability of Reports**

Except for data determined to be confidential under NRS 445A.665, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of the Division. As required by the Act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NRS 445A.710.

4. **Continuation of Coverage**

In accordance with NAC 445A.241

- a. This permit shall remain in effect until it is reissued, and
- b. Existing permit holders shall be included in the reissued permit if a new Notice of Intent is submitted prior to the expiration date of this permit. A filing fee is not required for this submittal.

5. **Transfer of Ownership or Control**

In the event of any change in control or ownership of facilities from which the authorized discharge emanates, the permittee shall notify the succeeding owner or controller of the existence of this permit, by letter, a copy of which shall be forwarded to the Division. All transfer of permits shall be approved by the Division.

6. **Annual Fee**

The permit holder shall remit an annual fee in accordance with NAC 445A.268 on or before July 1 every year except the year the filing fee is submitted.

7. **Right of Entry**

The permit holder shall allow representatives of the Division upon the presentation of credentials:

- a. to enter upon the permit holder's premises where any Stormwater Discharge Associated with Industrial Activity could occur or in which any records are kept under the terms and conditions of this permit; and
- b. at reasonable times, to have access to and copy any records kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method used pursuant to this permit; and to perform any necessary sampling to determine compliance with this permit or to sample any discharge.

8. **Penalty for Violation of Permit Conditions**

NRS 445A.675 provides that any person who violates a permit condition is subject to administrative and judicial sanctions as outlined in NRS 445A.690 through 445A.705.

9. **Furnishing False Information and Tampering with Monitoring Devices**

Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained by the provisions of NRS 445A.300 to 445A.730, inclusive, or by any permit, rule, regulation or order issued pursuant thereto, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained under the provisions of NRS 445A.300 to 445A.730, inclusive, or by any permit, rule, regulation or order issued pursuant thereto, is guilty of a gross misdemeanor and shall be punished by a fine of not more than \$10,000 or by imprisonment. This penalty is in addition to any other penalties, civil or criminal, provided pursuant to NRS 445A.300 to 445A.730, inclusive.

10. **Permit Modification, Suspension or Revocation**

After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

- a. violation of any terms or conditions of this permit
- b. obtaining this permit by misrepresentation or failure to disclose fully all relevant facts, or

- c. a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

11. **Liability**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal, State or local laws, regulations, or ordinances.

12. **Property Rights**

The issuance of this permit does not convey any property rights, in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

13. **Severability**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provisions of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.'